Memorandum

To: Finance Committee

From: Ivan Guillen, Regional Operations Manager

Thru: Anthony J. Mortillaro, Interim Executive Director

CC:

Date: June 16, 2011

Re: **NCRTD Special Services (Charter) Policy**

Background

The NCRTD, in the past, has received requests for transportation services which fall outside its regular operations. Most requests have been denied as either drivers, equipment or both have not been available. The proposed policy sets forth a consistent procedure for handling Special Services requests.

There are certain restrictions in place should the NCRTD want to use federally funded equipment and personnel. In order to eliminate a conflict with federal regulations, this policy requires that personnel and equipment funded with Transit Gross Receipts Tax be used for Special Services.

The policy is designed to eliminate NCRTD from competing with private charter services. The chartering party would have to certify that a private chartering company (from within the district) is unable to provide the service due to lack of equipment or personnel.

This policy is modeled after the Rhode Island Public Transit Authority's charter policy.

Recommendation: Staff recommends that the Special Services Policy be sent to the NCRTD Board of Directors with a do-pass recommendation.

Attachments: Proposed Special Services Policy

NORTH CENTRAL REGIONAL TRANSIT DISTRICT CHARTER POLICY

NCRTD Charter Policy

In accordance with federal regulations, NCRTD will only provide charter service to entities or organizations that are able to certify that their needs cannot be met by one of the private operators providing charter service in the North Central Regional Transit District. In order to avoid any violation of Federal Transit Administration regulations governing the Section 5311 and Section 5316 Programs, charter service will be undertaken **only** with equipment and personnel funded solely with Transit Gross Receipts Tax.

I. Availability of Charter Service

Given NCRTD's peak transit service requirements, NCRTD will generally only charter vehicles in off-peak hours of operation (weekdays 9:00 a.m. to 3:00 p.m. and 6:00 p.m. to 12:00 a.m., Saturdays and Sundays).

The origin and destination of all chartered trips must be within the boundaries of the North Central Regional Transit District.

II. Eligibility of Charter Service

A party requesting charter service must demonstrate eligibility, to do so under this policy by providing NCRTD with a written notification of the inability to provide service from all local private charter operators that posses the type of vehicle requested. NCRTD will provide parties requesting charter service a list of known local operators and the authorized signatories for those operators. Notwithstanding, it will be the requestor's responsibility to fully canvass the available private carrier market.

Companies operating private charter service in North Central Regional Transit District that are in need of additional equipment will also be eligible to charter NCRTD vehicles. The private charter operators will be charged the same rate as other eligible parties chartering NCRTD vehicles. It will be required that an NCRTD driver operate the chartered NCRTD vehicle.

All parties chartering NCRTD vehicles will be required to sign a liability agreement provided by the NCRTD Risk Management Department.

III. Capacity and Seating

The seating capacity of NCRTD vehicles range from 12 to 40 passengers. In compliance with the Americans With Disabilities Act (ADA), the NCRTD is able to provide the following equipment:

> Wheel-chair equipped vehicle - NCRTD vehicles can accommodate and lock in one or two wheel-chairs. When requesting such a vehicle for wheel-chair use, if either of the wheel chair locks are used, (4) seats will be required.

IV. Hourly Rate

The hourly rate charged for charter service will be determined by the Regional Operations Manager, in consultation with the Financial Manager, and recommended by the Executive Director for the Boards approval, Annually the rate schedule will be evaluated and modified if warranted and submitted to the Board for approval. Rates will be established for 12, 18, 24, 32 and 44 passenger buses.

The cost of all entrance charges and parking expenses shall be added as separate charges to the rate. NCRTD reserves the right to pass on to the chartering party any increases after initial quotations.

V. Payments

Upon approval of charter service, an authorized agent of the chartering party will be required to sign a Charter Service Agreement which will list the initial cost estimate. Incidental costs (as described above) may be added after the service has been provided. 100% of the initial cost estimate is required when the Charter Service Agreement is signed. If need be, the price estimate will be adjusted at the conclusion of the service and the chartering party will be invoiced for the balance.

VI. Cancellations

Should the chartering party cancel the charter service less than seven (7) days prior to the when the charter service is to be rendered, the NCRTD will refund 25% of the initial cost estimate.

VII. Time - Computation

The number of hours of charter service will be calculated from the time the chartered vehicle leaves the dispatching point on route to the chartering party's requested point of origin to the time it returns to an NCRTD garage or the point where the vehicle engages in another service.

VIII. Claims

a. NCRTD endeavors to maintain the time of arrival at points of destination but does not guarantee to arrive at or depart from any point at a specific time.
b. NCRTD shall not be liable for delays caused by accidents, breakdowns, road conditions, storms and other circumstances beyond its control.
c. NCRTD assigns qualified operators that have been instructed to drive at a speed within limits prescribed by law, and compatible with safe operations.
d. NCRTD shall not be held responsible for personal property when left on the vehicle by passengers when disembarking.

IX. Operator Assignments

NCRTD reserves the right to assign bus operators to a specific job at all times, and to substitute or replace operators without notice. Wherever possible, requests for specific bus operators will be honored, but cannot be guaranteed.

X. Equipment and Vehicles

Wherever possible, requests for specific vehicles will be honored, but cannot be guaranteed.

Equipment furnished by NCRTD is thoroughly inspected before assigned to ensure uninterrupted operation. Should mechanical failure of equipment make it necessary for the replacement of a vehicle originally assigned to the service, the replacement vehicle may be of a different type. Every effort shall be made by NCRTD to provide equipment as similar to the original as possible.

All costs of repairing damage to vehicles resulting from acts of members of the chartering party shall be charged to the chartering party.

XI. Baggage

Baggage will not be checked. Only hand baggage or property in custody of the passengers on the bus will be carried. The amount of such baggage or property carried shall be limited in the amount, weight, and size to the available safe capacity of, or space available on, the vehicle. Any such article that creates, in the opinion of the operator of the vehicle or other NCRTD employee, a hazardous condition or is likely to damage the vehicle will not be transported. Flammable or other dangerous substances or articles shall not be brought on board the vehicle.

XII. Animals

Animals shall not be transported with the exception of a trained "service animal" for the assistance of a passenger with a disability.

XIII. Alcoholic Beverages

The transport and consumption of alcoholic beverages is prohibited.

XIV. Vehicle Operation

During charter service NCRTD Operators must be in uniform at all times and must abide by all rules of regular service operation.

XV. Employee Requests

Employees of NCRTD requesting charter service will need to go through the same application process described above. The party on whose behalf the NCRTD employee is acting will need to meet the same standards as all applicants. The chartering party will be charged the same hourly rate as all parties. The operator may not donate his/her time. The chartering party must be billed for the service. The employee requesting the charter service will not be the operator of the bus assigned to the charter.

XVI. Public Relations and Related Service

NCRTD can provide special service for any NCRTD hosted event or for any public relations function directly related to NCRTD business. The use of NCRTD vehicles for these events must be requested by the Public Information Officer and will need to be approved by the Regional Operations Manager and the Executive Director.

The Executive Director will establish a budget for Public Relations Related Service on an annual basis. Any Public Relations Related Service will be deducted from this budget item. The Financial Manager

must be notified by memo when a Public Relations Service is being provided. The Financial Manager will also determine the public relations value of the service to report the benefit to the District to the NCRTD Board of Directors.

XVII. Volunteer or Donated Services

Other than Public Relations Services and Parade service (described below), all operational expenses will be charged to the recipients of special service. NCRTD will not request volunteer drivers for any services.

XVIII. Other Specialized Services

a. Educational Events

NCRTD vehicles may be used for events during which NCRTD employees educate groups of people on how to use the NCRTD system. The use of a vehicle for this type of *event* needs to be requested by an NCRTD Department Manager or higher and approved by the Regional Operations Manager. The Regional Operations Manager will confirm vehicle availability. The curriculum for this *event* will need to be approved by the Regional Operations Manager.

b. Stationary Vehicles

NCRTD vehicles may be used for any *event* at which the vehicle will be stationary and no passengers will be carried. The use of a vehicle for this type of *event* needs only to be requested by a NCRTD Department Manager or higher and approved by the Regional Operations Manager. The Regional Operations Manager will confirm vehicle availability.

c. Parades

NCRTD vehicles may be used as a feature in a parade if the general public is not being carried and NCRTD is providing the vehicle free of charge. This service would need to be requested by the Public Information Officer and approved by the Regional Operations Manager and the Executive Director. If NCRTD is charging for the use of the vehicle and/or the general public will be carried on the vehicle, the parade organizers must complete the charter services application process outlined *above.* The same hourly rate will be charged for parades as for any other charter service.

d. Supplementary Services

If NCRTD is informed of an event where a group will be boarding at a regular NCRTD stop at a regularly scheduled time and alighting at an NCRTD stop along the route, also at a regularly scheduled time, NCRTD may add extra vehicles to the trip to handle any overcrowding that may occur. These vehicles will need to be signed as a regular route and must be opened to the public.

e. Assistance to NCRTD Member Transit Agencies

NCRTD member transit agencies operating service in North Central Regional Transit District that are in need of additional equipment during special events will also be eligible to charter NCRTD vehicles. The NCRTD member entities will be charged the same rate as other eligible parties chartering NCRTD vehicles. It will be required that an NCRTD driver operate the chartered NCRTD vehicle.

XIX. Internal Charter Procedure

The Regional Operations Manager with the approval of the Executive Director will designate an NCRTD staff person to handle inquiries for charter service. The NCRTD staff person will inform inquirers about NCRTD's policy and will provide them with an Exception Certification Form and a list of local private operators.

If the applicant meets one of the exceptions described above, an authorized agent of the government agency or non-profit organization will need to complete the Charter Exception Certification Form and provide certification of tax-exempt status.

If the party requesting charter service does not meet any of the requirements for an exception, NCRTD will provide the party with a list of private charter operators providing service in North Central Regional Transit District. If the party requesting the charter can provide written confirmation that all private operators providing charter service in North Central Regional Transit District, that posses the type of vehicle requested, are unable to provide the service, NCRTD will entertain their application for charter service.

The NCRTD staff person responsible for charters (as designated by the Regional Operations Manager) will then determine the eligibility of the applicant. If the NCRTD staff person deems the applicant ineligible, they will notify the applicant of the decision and the reason for the decision. If the applicant is deemed eligible, vehicle availability for the vehicle type requested during the time and date specified will be confirmed with the Route Supervisors for scheduling. NCRTD may deny any request based on vehicle availability.

The route by which the chartered vehicle will travel will be determined by the NCRTD staff person designated by the Regional Operations Manager. The route will be described on the Application for Charter Service. The route may not leave the boundaries of the North Central Regional Transit District

The application and the information provided by the applicant will then be forwarded to the Regional Operations Manager to approve or deny the application for charter service and the route described on the application. If approved, the NCRTD staff person designated by the Regional Operations Manager will then create a schedule/itinerary for the chartered service and provide it to the Route Supervisor.